

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Appeals for
the Federal Circuit and the United
States Court of International Trade

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 83-57)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: March 9, 1983.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Republic Airlines West, Inc., 7500 Airline Dr., Minneapolis, MN; Aetna Casualty & Surety Co. D 1/1/83	July 1, 1981	May 7, 1981	Minneapolis, MN \$100,000
Transportes Aereos Nacionales, S.A., dba: Tan Airlines, P.O. Box 52-2222 G.M.F., Miami, FL; American Casualty Co. of Reading, PA	Jan. 27, 1983	Jan. 28, 1983	New York Seaport \$100,000

The foregoing principal has been designated a carrier of bonded merchandise.

BON-3-01

MARILYN G. MORRISON,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 83-58)

Synopsis of Drawback Decisions

The following are synopses of drawback rates issued October 6, 1982, to November 9, 1983, inclusive, pursuant to sections 22.1 through 22.5, inclusive, Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded, and the date it was forwarded.

Dated: March 9, 1983.

File: DRA-1-09.

MARILYN G. MORRISON,

Director,

Carriers, Drawback and Bonds Division.

(A) Company: Advalloy, Inc.

Articles: Frames for semi-conductors

Merchandise: Iron-nickel sealing alloy; iron-nickel-cobalt sealing alloy

Factory: Palo Alto, CA

Statement signed: May 26, 1982

Basis of claim: Used in, less valuable waste

Rate forwarded to RC, Los Angeles (San Francisco Liquidation),
November 3, 1982

(B) Company: American Can Co.

Articles: Cans, ends, coated sheets, tabs and other items made in a similar manner

Merchandise: Aluminum sheet in coils

Factories: Various factories as listed in manufacturer's statement

Statement signed: July 9, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 3, 1982

(C) Company: American Metals Corp.

Articles: Coated, plated and painted metals cut to customer specification

Merchandise: Hot and cold rolled steel sheet; galvanized steel sheet; aluminum sheet, and black plate in sheet

Factory: Westlake, OH

Statement signed: August 4, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 2, 1982

(D) Company: American Metals Co., Inc.

Articles: Coated, plated and painted metals cut to customer specification

Merchandise: Hot and cold rolled steel sheet; stainless steel sheet; galvanized steel sheet; aluminum sheet, and black plate in sheet

Factory: Marietta, GA

Statement signed: August 4, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 2, 1982

(E) Company: Benchmark Carpet Mills, Inc.

Articles: Carpets

Merchandise: Bulk continuous filament polypropylene yarn

Factory: Cartersville, GA

Statement signed: July 22, 1982

Basis of claim: Used in

Rate forwarded to RC, Miami, October 26, 1982

(F) Company: CPC International Inc.

Articles: Peanut butter

Merchandise: Peanuts

Factories: Little Rock, AR; Portsmouth, VA; Santa Fe Springs, CA

Statement signed: September 15, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 9, 1982

(G) Company: Campbell Soup Co.

Articles: Canned soups; canned food products; frozen food products, all for human consumption

Merchandise: Live chickens (spent fowl)

Factories: Various factories as listed in manufacturer's statement

Statement signed: September 8, 1982

Basis of claim: Used in, less valuable waste

Rate forwarded to RC, Boston (Baltimore Liquidation), November 9, 1982

(H) Company: Caterpillar Tractor Co.

Articles: Tractors; motor graders; scrapers; traxcavators; off-highway trucks; wheel loaders; log skidders

Merchandise: Various radial and bias tires

Factories: Aurora and Decatur, IL

Statement signed: September 15, 1982

Basis of claim: Appearing in

Rate forwarded to RC, Chicago, November 3, 1982

(I) Company: Chevron Chemical Co.

Articles: Lubricating oil additives

Merchandise: OLOA 267 zinc dithiophosphate
Factory: Belle Chasse, LA
Statement signed: July 7, 1982
Basis of claim: Used in
Rate forwarded to RC, New Orleans, October 27, 1982

(J) Company: Diamond Shamrock Corp.
Articles: Daconil 2787 (Technical Tetrachloroisophthalonitrile) and Bravo 500
Merchandise: Activated carbon and Isophthalonitrile
Factory: Houston, TX
Statement signed: July 22, 1982
Basis of claim: Used in
Rate forwarded to RC, New York, November 2, 1982

(K) Company: Donn Corp.
Articles: Wall, ceiling, and floor systems and components thereof
Merchandise: Cold rolled steel sheet, strip and blanks; galvanized steel sheet, strip and blanks; aluminum sheet, strip and blanks; and black plate in sheet, strip or blanks (all the foregoing painted and unpainted)
Factories: Westlake and Medina, OH; Stockton, CA
Statement signed: August 4, 1982
Basis of claim: Appearing in
Rate forwarded to RC, New York, November 2, 1982

(L) Company: E. I. du Pont de Nemours and Co.
Articles: Various green gold pigments
Merchandise: 2,4-dihydroxy quinoline
Factory: Newark, NJ
Statement signed: June 28, 1982
Basis of claim: Used in
Rate forwarded to RC, Boston (Baltimore Liquidation), October 18, 1982

(M) Company: E.I. du Pont de Nemours and Co.
Articles: Various Riston® polyester films
Merchandise: Polyester film base
Factory: Towanda, PA
Statement signed: June 10, 1982
Basis of claim: Appearing in
Rate forwarded to RC, Boston (Baltimore Liquidation), November 3, 1982

(N) Company: Durakool, Inc.
Articles: Relays, contactors, switches, and float liquid level control devices
Merchandise: Mercury
Factory: Elkhart, IN

Statement signed: October 27, 1982

Basis of claim: Used in

Rate forwarded to RCs, Chicago and New York, November 9, 1982

(O) Company: Theresa Friedman & Sons, Inc.

Articles: Preserves and purees

Merchandise: Strawberries, boysenberries and pineapple

Factory: Philadelphia, PA

Statement signed: July 6, 1982

Basis of claim: Used in

Rate forwarded to RC, New York, October 21, 1982

(P) Company: Heterochemical Corp.

Articles: Hetrazeen animal feed supplement

Merchandise: Menadione dimethylpyrimidinol bisulfite (MPB)

Factory: Valley Stream, NY

Statement signed: October 15, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 9, 1982

Revokes: T.D. 66-49-F as amended by T.D.s 66-136-H, 67-202-K,
and 77-123-L

(Q) Company: Monsanto Co.

Articles: 4-aminodiphenylamine (4-ADPA)

Merchandise: 4-nitrodiphenylamine (4-NDPA)

Factory: Sauget, IL

Statement signed: July 23, 1982

Basis of claim: Used in

Rate forwarded to RCs, Chicago and New York, October 29, 1982

(R) Company: Olin Corp.

Articles: Cupro-nickel cold rolled strip

Merchandise: Electrolytic copper cathodes

Factory: East Alton, IL

Statement signed: June 28, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, October 13, 1982

(S) Company: Pennsylvania Dutch Co., Inc., Katherine Beecher
Candies Div.

Articles: Butter toasted peanuts

Merchandise: Peanuts

Factory: Manchester, PA

Statement signed: September 30, 1982

Basis of claim: Used in

Rate forwarded to RC, Boston (Baltimore Liquidation), November 9,
1982

(T) Company: Pfizer, Inc.

Articles: Carbadox (Mecadox)

Merchandise: 2-quinoxaline carboxaldehyde dimethyl acetal 1,4-dioxide (DQX)

Factory: Brooklyn, NY

Statement signed: November 7, 1981

Basis of claim: Used in

Rate forwarded to RC, New York, October 26, 1982

(U) Company: Phelps Dodge Industries, Inc.

Articles: Copper products; copper alloy products

Merchandise: Electrolytic copper (various forms)

Factory: Various factories as listed in manufacturer's statement

Statement signed: June 18, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, October 27, 1982

Revokes: T.D. 46212-F, as amended by T.D.s 50274-H, 50432-C, 55479-F, and 74-155-A

(V) Company: Schuylkill Metals Corp.

Articles: Lead and lead alloys

Merchandise: Lead-bearing materials on a pound for pound basis for lead content

Factories: Baton Rouge, LA; Mound City, MO; Plant City, FL

Statement signed: August 26, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New Orleans, November 9, 1982

(W) Company: Teknor Apex Co.

Articles: Rubber tire retreading compounds, tread rubber (camel-back)—die size, tread rubber in strip form, pre-cured tire treads (molded), tire repair materials, rubber floor mats, cutting boards and blocks (industrial and food/meat)

Merchandise: Rubber and rubber/carbon black masterbatches

Factory: Pawtucket, RI

Statement signed: March 16, 1982

Basis of claim: Appearing in

Rate forwarded to RC, Boston, October 6, 1982

(X) Company: Union Carbide Corp.

Articles: Polyethylene resins

Merchandise: High density polyethylene feedstocks

Factory: Port Lavaca, TX

Statement signed: July 26, 1982

Basis of claim: Appearing in

Rate forwarded to RC, New York, November 2, 1982

(Y) Company: Winter Garden Citrus Products Cooperative

Articles: Grapefruit and orange blend concentrate and pineapple and orange blend concentrate

Merchandise: Concentrated orange juice for manufacturing
Factory: Winter Garden, FL
Statement signed: August 27, 1982
Basis of claim: Used in
Rate forwarded to RC, Miami, October 27, 1982

(Z) Company: Xidex Corp.

Articles: Vesicular film, diazo film and phototool film

Merchandise: p-toluene sulfonic acid monohydrate; 2,5 diethoxy-4-morpholino-benzene diazonium tetrafluoroborate; 2,5 diisopropoxy-4-morpholino-benzene diazonium tetrafluoroborate; 2,4 dihydroxy benzoic acid ethanol amide; naphthol ASOL, resorcinol; and diazonium salt

Factories: Sunnyvale, CA; Holyoke, MA

Statement signed: January 8, 1982

Basis of claim: Used in

Rate forwarded to RC, Los Angeles (San Francisco Liquidation),
November 2, 1982

* * * * *

Southern Gold Citrus Products, Inc., operating under T.D. 72-55-B as amended by T.D. 72-218-I, T.D. 75-245-N, and T.D. 76-300-P; and T.D. 78-233-X, has changed its name to Southern Gold Citrus Products, Food Products Div., the Seven-Up Company

(T.D. 83-59)

Drawback Contract—Raw Sugar

The proposed Customs Regulations revision of Part 22 relating to drawback was published in the Federal Register, August 26, 1982. Sections 22.6 (a) through (i) of the regulations, relating to general drawback rates are being removed from the revision to the regulations, Part 191. These sections are not of sufficient general applicability to be included in the revision. However, no member of the public would be forfeiting any rights and benefits by their removal. As advised in the Notice of Proposed Rulemaking, 47 FR 37568, general drawback contracts would be published as Treasury Decisions designed to take the place of the eliminated sections. The following is one such contract.

Dated: March 4, 1983.

File: DRA-1.

MARILYN G. MORRISON,
*Director, Carriers, Drawback
and Bonds Division.*

**Drawback Contract Under 19 U.S.C. 1313(b) for Articles
Manufactured With the Use of Raw Sugar**

Drawback may be allowed under the provisions of section 313(b), Tariff Act of 1930, upon the exportation of hard or soft refined sugars and sirups manufactured from raw sugar, subject to the following special requirements:

(1) The drawback allowance shall not exceed 99 percent of the duty paid on a quantity of raw sugar designated by the refiner which contains a quantity of sucrose not in excess of the quantity required to manufacture the exported sugar or sirup, ascertained in the manner hereinafter set forth.

(2) The refined sugars and sirups shall have been manufactured with the use of duty-paid, duty-free, or domestic sugar, or combinations thereof, within 3 years after the date on which designated sugar was received by the refiner, and shall have been exported within 5 years from the date of importation of the designated sugar.

(3) All granulated sugar testing by the polariscope 99.5° and over shall be deemed hard refined sugar. All refined sugar testing by the polariscope less than 99.5° shall be deemed soft refined sugar. All "blackstrap," "unfiltered sirup," and "final molasses" shall be deemed sirup.

(4) The imported duty-paid sugar selected by the refiner as the basis for the drawback claim (designated sugar) shall be of the same kind and quality as that used in the manufacture of the exported refined sugar or sirup and shall have been used within 3 years after the date on which it was received by the refiner. Duty-paid sugar which has been used at a plant of a refiner within 3 years after the date on which it was received by such refiner may be designated as the basis for the allowance of drawback on refined sugars or sirups manufactured at another plant of the same refiner.

(5) For the purpose of distributing the drawback in accordance with the provisions of section 313, Tariff Act of 1930, relative values shall be established between hard refined (granulated) sugar, soft refined (various grades) sugar, and sirups at the time of separation. The entire period covered by an abstract shall be deemed the time of separation of the sugars and sirups covered by such abstract.

(6) The sucrose allowance per pound on hard refined (granulated) sugar established by the liquidation of an abstract shall be applied to hard refined sugar commercially known as loaf, cut loaf, cube, pressed, crushed, or powdered sugar manufactured from the granulated sugar covered by the abstract.

(7) The sucrose allowance per gallon on sirup established by the liquidation of an abstract shall be applied to sirup further advanced in value by filtration or otherwise, unless such sirup is the subject of a special drawback rate.

(8) As to each lot of imported or domestic sugar used in the manufacture of refined sugar or sirup on which drawback is to be claimed, the raw stock records shall show the refiner's raw lot number, the number and character of the packages, the settlement weight in pounds, and the settlement polarization. Such records covering imported sugar shall show, in addition to the foregoing, the import entry number, date of importation, name of importing carrier, country of origin, the Government weight, and the Government polarization.

(9) The melt records shall show the date of melting, the number of pounds of each lot of raw sugar melted, and the full analysis at melting.

(10) There shall be kept a daily record of final products boiled showing the date of the melt, the date of boiling, the magma filling serial number, the number of the vacuum pan or crystallizer filling, the date worked off, and the sirup filling serial number.

(11) The sirup manufacture records shall show the date of boiling, the period of the melt, the sirup filling serial number, the number of barrels in the filling, the magma filling serial number, the quantity of sirup, its disposition in tanks or barrels and the refinery serial manufacture number.

(12) The refined sugar stock records shall show the refinery serial manufacture number, the period of the melt, the date of manufacture, the grade of sugar produced, its polarization, the number and kind of packages, and the net weight. When soft sugars are manufactured, the commercial grade number and quantity of each shall be shown.

(13) Each lot of hard or soft refined sugar and each lot of sirup manufactured, regardless of the character of the containers or vessels in which it is packed or stored, shall be marked immediately with the date of manufacture and the refinery manufacture number applied to it in the refinery records hereinbefore provided for and shown in the abstract from such records filed in the customhouse. If all the sugar or sirup contained in any lot manufactured is not intended for exportation, only such of the packages as are intended for exportation need be marked as prescribed above, provided there is filed with the district director immediately after such marking a statement showing the date of manufacture, the refinery manufacture number, the number of packages marked, and the quantity of sugar or sirup contained therein. No drawback shall be allowed in such case on any sugar or sirup in excess of the quantity shown on the statement as having been marked. If any packages of sugar or sirup so marked are repacked into other containers, the new containers shall be marked with the marks which appeared on the original containers and a revised statement covering such repacking and remarking shall be filed with the district director. If sirups from more than one lot are stored in the same tank, the refinery records shall show the refinery manufacture

number and the quantity of sirup from each lot contained in such tank.

(14) An abstract from the foregoing records covering manufacturing periods of not less than 1 month nor more than 3 months, unless a different period shall have been authorized, shall be filed when drawback is to be claimed on any part of the refined sugar or sirup manufactured during such period. Such abstract shall be filed by each refiner with the district director at New York, except as to refineries located in California, Louisiana, Puerto Rico, or Hawaii, for which the abstracts shall be filed respectively with the district directors at San Francisco, New Orleans, San Juan, or Honolulu. The district directors at the ports mentioned shall liquidate the abstracts filed with them and shall keep full and complete records of the kinds and quantities of refined sugars and sirups entitled to drawback on exportation and, upon proper request, shall issue extracts therefrom for use at other ports where drawback entries are filed covering exportations made of such refined sugars and sirups, and shall debit such records with the quantities covered by such extracts. The abstracts filed by each refinery shall be consecutively numbered by the refiner, shall be signed by the head refiner or superintendent or his first assistant, and shall be in the following form:

Abstract from the refinery records of _____, _____ located at _____, covering sugars melted and hard and soft refined sugars and sirups manufactured therefrom during the period from _____ to _____.

MELT RECORD

[Number of pounds in each lot melted]

Lot No.	Pounds	Polarization	
		Degrees	Pounds sucrose

SIRUP STOCK RECORDS

Date of boiling	Refinery serial manufacture No.	Quantity of sirup in gallons	Pounds sucrose container therein

REFINED SUGAR STOCK RECORD

Refinery serial production No.	Date of manufacture	Hard or soft refined	Polarization and No.	Net weight in pounds

Recapitulation

Item 1. Sucrose in process at beginning of period Pounds.
 Item 2. Sucrose melted during period Do.
 Item 3. Sucrose in process at end of period Do.
 Item 4. Sucrose used in manufacture Do.
 Item 5. Sucrose contained in manufacture Do.
 Item 1 plus item 2, minus item 3, should equal item 4.

I, _____, the _____ refiner at the _____ refinery of _____, located at _____, do solemnly and truly declare that each of the statements contained in the foregoing abstract is true to the best of my knowledge and belief and can be verified by the refinery records, which have been kept in accordance with Treasury Decision 83-59 and which are at all times open to the inspection of officers of the customs.

Date _____.

(Signature)

(15) The refiner shall file with each abstract a statement, in the following form, showing the average market values of the products specified in the abstract:

Market values of refined sugars and sirup for the period _____ to _____ covered by abstract No. ____:

Hard refined sugar (bulk).....	Per	
	pound.	
Blackstrap or unfiltered sirup (bulk)	Per	
	gallon.	
Soft refined sugar (bulk) No. 1	Per	
	pound.	
Soft refined sugar (bulk) No. 2	Do.	
Soft refined sugar (bulk) No. 3	Do.	
Soft refined sugar (bulk) No. 4	Do.	
Soft refined sugar (bulk) No. 5	Do.	
Soft refined sugar (bulk) No. 6	Do.	
Soft refined sugar (bulk) No. 7	Do.	
Soft refined sugar (bulk) No. 8	Do.	
Soft refined sugar (bulk) No. 9	Do.	
Soft refined sugar (bulk) No. 10	Do.	
Soft refined sugar (bulk) No. 11	Do.	
Soft refined sugar (bulk) No. 12	Do.	
Soft refined sugar (bulk) No. 13	Do.	
Soft refined sugar (bulk) No. 14	Do.	
Soft refined sugar (bulk) No. 15	Do.	
Soft refined sugar (bulk) No. 16	Do.	
Miscellaneous.....		

I, _____, (Official capacity) of the (Refinery), do solemnly and truly declare that the values shown above are true to the best of my knowledge and belief, and can be verified by our records.

Date _____.

(Signature)

(16) At the end of each calendar month the refiner shall furnish to the district director at the port where the abstract is filed a statement showing the actual sales of sirup and the average market values of refined sugars for the calendar month.

(17) In the liquidation of abstracts the following example shall be followed in determining the sucrose allowance to be applied to the various products:

EXAMPLE OF LIQUIDATION

	Pounds	Polariza- tion	Pounds, sucrose
Stock in process at beginning of period.....	3,650,539	83.43	3,045,645
Raw sugar melted during period	73,185,789	96.65	70,735,032
			73,780,677
Less stock in process at end of period.....	3,632,470	87.59	3,181,680
Sucrose actually used in manufacture.....			70,598,997

DESIGNATION OF IMPORTED SUGAR

Import entry No.	By whom imported or withdrawn from warehouse	Name of importing carrier	When imported	Where imported	Quantity of raw sugar (pounds)	Polarization	Sucrose (pounds)

I, _____, the _____ of _____, located at _____, declare that the sugar (or sirup) described in the within certificate of delivery was manufactured by said company at its refinery at _____ and is part of the sugar (or sirup) covered by abstract No. _____, filed at the port of _____ and was delivered to _____ on or about _____, 19—, and that no other certificate of delivery has been issued covering the above merchandise; that the refinery and other records of the company verifying the statements contained in said abstract are now and at all times hereafter will be open to inspection by officers of the customs.

I further declare that the above-designated imported sugar (upon which the duties have been paid) was received by said company on _____ and was used in the manufacture of sugar and sirup on _____.

Dated _____, 19—.

(Signature)

(19) The drawback entry shall be in the following form:

Drawback entry for sugars and sirups
United States Customs Service,
Port of _____
Dated _____, 19—.

Entry for drawback on sugars and sirups exported under notices of exportation, filed by _____, said notices and the merchandise covered thereby being particularly set forth below, together with the designation of imported raw sugar containing sucrose of the quantity used in the manufacture of such merchandise, based on the relative value of the refined sugars and sirups manufactured during the period covered by abstract No. _____ (customs No. _____) on file with the district director at the port of _____. Drawback claimed under Treasury Decision 83-59.

No. of notice of exportation	Exporting carrier	Date of clearance	Name of shipper	No. of packages	Quantity and description of exported merchandise

DESIGNATION OF IMPORTED SUGAR

No. of import entry	By whom imported or withdrawn from warehouse	Name of importing carrier	When imported	Where imported	Quantity sugar (pounds)	Polarization	Sucrose (pounds)	Certificate of delivery No.

I, _____, the _____ of _____, located at _____ declare that the sugar (or sirup) described in this entry, was manufactured by said company at its refinery at _____ and is part of the sugar (or sirup) covered by abstract No. _____, filed at the port of _____; that the refinery and other records of the company verifying the statements contained in said abstract are now and at all times hereafter will be open to inspection by officers of the customs. I further declare that the above-designated imported sugar (upon which the duties have been paid) was received by said company on _____ and was used in the manufacture of sugar and sirup during the period covered by abstract No. _____, customs No. _____, on file with the district director at _____.

I further declare that the sugar or sirup specified herein was delivered to the above-named shippers.

Dated _____, 19—.

(Signature)

(20) The declaration of exportation required on customs Form 7575 shall be made a part of the drawback entry.

(21) When an extract from an abstract from refinery records is required for use at a port other than the port where the abstract is liquidated, the extract shall be in the following form:

Extract from abstract from refinery records of sugar or sirup intended for exportation with benefit of drawback

United States Customs Service,

Port of _____,

Dated _____, 19—.

This is to certify that there is on record in this office an abstract from refinery record No. —, customs No. —, of —, located at —, covering the following-described merchandise manufactured during the period from —, to —, for which certificate of delivery No. — to — has been filed in this office.

Description	Quantity	Sucrose allowance per unit (1 percent to be deducted in duty statement on drawback entry)

SUGAR DESIGNATED BY THE REFINER AS THE BASIS FOR THE ALLOWANCE OF DRAWBACK

No. of import entry	By whom imported or withdrawn from warehouse	Name of importing carrier	When imported	Where imported	Quantity of sugar (pounds)	Polarization	Sucrose	Certificate of delivery

Date of receipt by refiner of above sugar —.

Date of use by refiner of above sugar —.

Date of delivery of refined sugar or sirup —.

Delivered to — (District Director).

To be used at the port of — (Comptroller).

(22) Each manufacturer or producer of articles covered by the above drawback rate shall submit to the regional commissioner where drawback entries will be filed, a statement in duplicate describing the methods used in the manufacture or production of the products involved and setting forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of certificates of manufacture and drawback entries filed hereunder. If the statement shows that the methods and records described therein enable the manufacturer or producer to comply with the law and regulations, the regional commissioner shall approve the statement and promptly notify the applicant, in writing, of such action.

If drawback entries are to be liquidated at more than one regional office, two additional copies of the statement shall be required for each additional office. In such case, the regional commissioner at the place first listed in the drawback statement shall approve the statement, if that action is warranted, and promptly notify the applicant, in writing, of such action.

Revised statements covering changes in drawback statements filed under this Treasury Decision shall be handled in accordance with the previously discussed provisions.

The allowance of drawback on articles covered by this Treasury Decision shall be subject to compliance with the applicable provisions of part 191.

(T.D. 83-60)

Bonds

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: March 10, 1983.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Acme Truck Line, Inc., P.O. Box 183, Harvey, LA; motor carrier; National Surety Corp. (PB 12/19/81) D 2/7/83 ¹	Dec. 9, 1982	Feb. 7, 1983	New Orleans, LA \$50,000
American Freight, 969 N. 2nd St., Philadelphia, PA; motor carrier; Washington International Ins. Co. (PB 7/17/81) D 2/1/83 ²	Jan. 27, 1983	Feb. 1, 1983	Phila, PA \$25,000
Can-Am Marine Transit Ltd., P.O. Box 790, Hudson, Quebec, Canada; motor carrier; Peerless Ins. Co.	Feb. 11, 1983	Feb. 18, 1983	Detroit, MI \$50,000
Cleveland Freight Services International Inc., A/K/A: CFS International, 6828 Engle Rd., Middleburg Heights, OH; freight forwarder; Peerless Ins. Co.	Feb. 2, 1983	Feb. 17, 1983	Cleveland, OH \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Harold G. Cline, Inc., Harding Highway & DuPont Rd., Penns Grove, New Jersey; motor carrier; Employer's Ins. of Wausau	Jan. 12, 1983	Feb. 1, 1983	Phila, PA \$50,000
Coastal Transport & Trading Co., Inc.—See RTC Transportation Inc.			
Commercial Motor Freight, Inc. of Indiana, 2141 S. High School Rd., P.O. Box 41719, Indianapolis, IN; motor carrier; United States Fidelity & Guaranty Co. D 2/9/83	Feb. 7, 1978	Feb. 21, 1978	Chicago, Ill. \$35,000
Controlled Distribution Services, Inc., 11 West St., Brooklyn, NY; motor carrier; Fireman's Fund Ins. Co. (PB 6/5/75) D 8/17/82 *	Aug. 17, 1982	Aug. 17, 1982	New York Seaport \$100,000
Dietrich Leasing Ltd., 127 Erb St., St. Agatha, Ontario, Canada; motor carrier; Aetna Casualty & Surety Co.	Feb. 15, 1983	Feb. 18, 1983	Buffalo, NY \$25,000
Everready Drayage Service, Inc., 118 Grange Rd., P.O. Box 4133, Port Wentworth, GA; motor carrier; The Travelers Indemnity Co.	Jan. 12, 1983	Feb. 3, 1983	Savannah, GA \$25,000
Illinois-California Express, Inc., 510 E. 51st Ave., Denver, CO; motor carrier; Liberty Mutual Ins. Co. (PB 3/29/77) D 1/15/81 *	Jan. 6, 1981	Jan. 15, 1981	St. Louis, MO \$50,000
Marine Sales, Inc., 835 Tchoupitoulas St., New Orleans, LA; motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 1, 1982	Jan. 29, 1983	New Orleans, LA \$25,000
Mid-Western Transport Inc., P.O. Box 3763, Santa Fe Springs, CA; motor carrier; Employers Ins. of Wausau (PB 11/27/79) D 2/4/83 *	Jan. 26, 1983	Feb. 4, 1983	Los Angeles, CA \$50,000
Richard Novigrod, 805 N. Cage Blvd., Pharr, TX; motor carrier; Gulf Ins. Co. D 2/9/83	Feb. 4, 1982	Feb. 16, 1982	Laredo, TX \$25,000
Pottles Transportation, Inc., P.O. Box 164, Carmel, ME; motor carrier; St. Paul Fire & Marine Ins. Co.	Dec. 27, 1982	Feb. 15, 1983	Portland, ME \$50,000
RTC Transportation, Inc., & Coastal Transport & Trading Co., Inc., 3901 Jonesboro Rd., S.E., Forest Park, GA; motor carrier; Ins. Co. of North America (PB 2/25/82) D 2/7/83 *	Oct. 1, 1982	Feb. 7, 1983	Senannah, GA \$25,000
Regency Motor Freight, Inc., 26600 Van Born Rd., Dearborn Heights, MI; motor carrier; The Continental Ins. Co.	Feb. 3, 1983	Feb. 17, 1983	Milwaukee, WI \$25,000
Shanahan Freight Co.—See TIV Enterprises Inc.			

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Ship Service, Inc., 430 Texas Ave., Texas City, TX; motor carrier; Safeco Ins. Co. of America (PB 1/26/81) D 1/26/83 ¹	Jan. 26, 1983	Jan. 26, 1983	Houston, TX \$25,000
Southern Intermodal Logistics, Inc., 2071 E. Victory Dr., Savannah, GA; motor carrier; Aetna Casualty & Surety Co. (PB 12/11/75) D 12/24/80 ²	Dec. 18, 1982	Dec. 18, 1982	Savannah, GA \$25,000
State Transportation, Inc., P.O. Box 1349, Portsmouth, NH; motor carrier; Hartford Accident & Indemnity Co.	Jan. 25, 1983	Feb. 3, 1983	Portland, ME \$50,000
Sunco Carriers, Inc., P.O. Box 2811, Lakeland, FL; motor carrier; Integon Indemnity Corp.	Oct. 26, 1982	Feb. 1, 1983	Tampa, FL \$25,000
Super Transportation, Inc., 5861 Penbrook Rd., Hollywood, FLA; motor carrier; Old Republic Ins. Co.	Dec. 13, 1982	Dec. 13, 1982	Miami, FL \$25,000
T.I.M.E.-D.C., Inc., 2598 74th St., Lubbock, TX; motor carrier; Lawyers Surety Corp. D 2/18/83	Aug. 10, 1979	Oct. 22, 1979	Laredo, TX \$25,000
TIV Enterprises Inc., T/A: Shanahan Freight Co., 1649 Haddon Ave., Camden, NJ; motor carrier; American Casualty Co. of Reading, PA ³	Jan. 31, 1983	Feb. 3, 1983	Phila, PA \$100,000
Trinity Transport, Inc., 701 N. Federal Hwy, Dania, FL; motor carrier; Old Republic Ins. Co.	Dec. 16, 1982	Dec. 16, 1982	Miami, FL \$25,000
Valley Parcel Service, Inc., 1400 Del Webb Bldg., Fresno, CA; motor carrier; Fireman's Fund Ins. Co.	Dec. 1, 1982	Feb. 15, 1983	San Francisco, CA \$25,000
Viking Freight System, Inc., 3405 Victor St., Santa Clara, CA; motor carrier; Industrial Indemnity Co. (PB 12/3/81) D 2/7/83 ⁴	Dec. 29, 1982	Feb. 7, 1983	San Francisco, CA \$25,000
World Ship Supply, Inc., 1206 Magazine St., New Orleans, LA; motor carrier; Fidelity & Deposit Co. of MD	Jan. 13, 1983	Feb. 9, 1983	New Orleans, LA \$25,000

¹ Surety is The Continental Ins. Co.

² Principal is American Freight Corp.; Surety is American Employers Ins. Co.

³ Principal is Container Distributing Services, Inc.; Surety is Peerless Ins. Co.

⁴ Surety is Lumbermen's Mutual Casualty Co.

⁵ Surety is St. Paul Fire & Marine Ins. Co.

⁶ Surety is Continental Casualty Co.

⁷ Surety is The Hanover Ins. Co.

⁸ Surety is American Druggist's Ins. Co.

⁹ Surety is Fireman's Fund Ins. Co.

BON-3-03

MARILYN G. MORRISON,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 83-61)

19 CFR Part 133.12

AGENCY: Customs Service, Treasury.

ACTION: Notice of Recordation of Trade Name: THE BAYER COMPANY.

SUMMARY: On September 14, 1982, a notice of application for the recordation under section 42 of the Act of July 15, 1946, as amended (15 U.S.C. 1124), of the trade name "THE BAYER COMPANY" was published in the Federal Register (47 FR 40519). The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than November 14, 1982. No responses were received in opposition to the application.

The name "THE BAYER COMPANY" is hereby recorded as the trade name used by Sterling Drug Inc., a corporation organized under the laws of the State of Delaware, 90 Park Avenue, New York, New York 10016. The trade name is used in connection with pharmaceuticals manufactured in Canada, West Indies and the United States. Sterling Drug Ltd. of Aurora, Canada, is authorized to use the trade name.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: March 10, 1983.

DONALD W. LEWIS,

*Director,**Entry Procedures and Penalties Division.*

[Published in the Federal Register, March 15, 1983 (48 FR 11003)]

(T.D. 83-62)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs

purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
February 1-2, 1983.....	\$0.003633
February 3-4, 1983.....	.003570
Mexico peso:	
February 1, 1983 .....	.006732
February 2, 1983 .....	.006667
February 3, 1983 .....	.006734
February 4, 1983 .....	.006718
United Kingdom POUND:	
February 1, 1983	1.5235
February 2, 1983	1.5135
February 3-4, 1983.....	1.5245

(LIQ-03-01 O:C:E)

Dated: February 4, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-63)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil peso:	
February 7-10, 1983.....	\$0.003570
February 11, 1983 .....	.003490
Mexico peso:	
February 7, 1983 .....	.006718
February 8, 1983 .....	.006684
February 10, 1983 .....	.005587
Republic of South Africa	
February 7, 1983 .....	.88100
February 8, 1983 .....	.88350

Sri-Lanka rupee:	
February 11, 1983 .....	.043365
United Kingdom pound:	
February 7, 1983	1.5340
February 8, 1983	1.5365
February 9, 1983	1.5410
February 11, 1983	1.5405

(LIQ-03-01 O:C:E)

Dated: February 11, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-64)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Argentina cruzeiro:	
February 14-16, 1983.....	\$0.003490
February 17-18, 1983.....	.003408
Sri-Lanka rupee:	
February 14-18, 1983.....	.043365
United Kingdom pound:	
February 14, 1983	1.5385
February 15, 1983	1.5410

(LIQ-03-01 O:C:E)

Dated: February 18, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

T.D. 83-65

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Monday, February 21, 1983, Holiday use rates for 2/18/83.

Brazil cruzeiro:	
February 22-25, 1983.....	\$0.002622
Sri Lanka rupee:	
February 22-24, 1983.....	.043563
February 25, 1983 .....	.043554
United Kingdom pound:	
February 22, 1983	1.5215
February 23, 1983	1.5330
February 24, 1983	1.5275
February 25, 1983	1.5270

(LIQ-03-01 O.C.E.)

Dated: February 25, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

T.D. 83-66

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
February 28, 1983	\$0.002622
Mexico peso:	
February 28, 1983 .....	.005882
Sri Lanka rupee:	
February 28, 1983 .....	.043554
United Kingdom pound:	
February 28, 1983	1.5115

(LIQ-03-01 O.C.E)

Dated: February 28, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-67)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of Exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
February 1-4, 1983	\$0.000020
Chile peso:	
February 1-4, 1983 .....	.013298
Colombia peso:	
February 1-3, 1983 .....	.014004
February 4, 1983 .....	.013968
Greece drachma:	
February 1, 1983 .....	.011898
February 2-3, 1983 .....	.011862
February 4, 1983 .....	.011898
Indonesia rupiah:	
February 1-3, 1983 .....	.001434
February 4, 1983 .....	.001430
Israel shekel:	
February 1, 1983 .....	.027693
February 2, 1983 .....	.027647
February 3, 1983 .....	.027563
February 4, 1983 .....	.027457

Peru sol:

February 1-3, 1983 .....	.000948
February 4, 1983 .....	.000934

South Korea won:

February 1, 1983 .....	.001331
February 2-4, 1983 .....	.001329

(LIQ-03-01 O.C.E)

Dated: February 4, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-68)

Foreign Currencies—Daily Rates for Countries Not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of Exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:

February 7-11, 1983	\$0.000020
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Chile peso:

February 7-10, 1983013298
February 11, 1983012979

Colombia peso:

February 7-11, 1983013968
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Greece drachma:

February 7, 1983011912
February 8, 1983012034
February 9, 1983012026
February 10, 1983 .....	.012019
February 11, 1983 .....	.012034

Indonesia rupiah:

February 7-10, 1983 .....	.001430
February 11, 1983 .....	.001428

Israel shekel:

February 7-8, 1983 .....	.027255
February 9, 1983 .....	.027130
February 10-11, 1983 .....	.027049

Peru sol:

February 7-10, 1983000934

February 11, 1983000913

South Korea won:

February 7-11, 1983001329

(LIQ-03-01 O:C:E)

Dated: February 11, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-69)

Foreign Currencies—Daily Rates for Countries Not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of Exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:

February 14-18, 1983..... \$0.000020

Chile peso:

February 14-18, 1983..... .012979

Colombia peso:

February 14-18, 1983..... .013968

Greece drachma:

February 14, 1983011912

February 15, 1983012012

February 16, 1983011979

February 17, 1983012012

February 18, 1983011940

Indonesia rupiah:

February 14-18, 1983..... .001428

Israel shekel:

February 14-15, 1983..... .027049

February 16, 1983027020

February 17-18, 1983..... .026947

Peru sol:

February 14-18, 1983..... .000913

South Korea won:

February 14-18, 1983..... .001329

(LIQ-03-01 O.C.E.)

Dated: February 18, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-70)

Foreign Currencies—Daily Rates for Countries Not on Quarterly
List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of Exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Monday, February 21, 1983, Holiday use rates for 2/18/83.

Argentina peso:	
February 22-24, 1983.....	\$0.000020
February 25, 1983 .....	.000017
Chile peso:	
February 22-24, 1983.....	.012739
February 25, 1983 .....	.012422
Colombia peso:	
February 22-25, 1983.....	.013829
Greece drachma:	
February 22, 1983 .....	.011983
February 23, 1983 .....	.011912
February 24, 1983 .....	.011990
February 25, 1983 .....	.011976
Indonesia rupiah:	
February 22-24, 1983.....	.001426
February 25, 1983 .....	.001423
Israel shekel:	
February 22, 1983 .....	.026674
February 23, 1983 .....	.026681
February 24, 1983 .....	.026469
February 25, 1983 .....	.026504
Peru sol:	
February 22-24, 1983.....	.000902
February 25, 1983 .....	.000892

South Korea won:

February 22, 1983 .....	.001329
February 23, 1983 .....	.001379
February 24-25, 1983.....	.001329

(LIQ-03-01 O:C:E)

Dated: February 25, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 83-71)

Foreign Currencies—Daily Rates for Countries Not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of Exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
February 28, 1983	\$0.000017
Chile peso:	
February 28, 1983 .....	.012422
Colombia peso:	
February 28, 1983 .....	.013829
Greece drachma:	
February 28, 1983 .....	.011962
Indonesia rupiah:	
February 28, 1983 .....	.001423
Israel shekel:	
February 28, 1983 .....	.026371
Peru sol:	
February 28, 1983 .....	.000892
South Korea won:	
February 28, 1983 .....	.001329

(LIQ-03-01 O:C:E)

Dated: February 28, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

19 CFR Part 162

(T.D. 83-72)

SUMMARY FORFEITURE AND DISPOSITION OF CONTROLLED SUBSTANCES**AGENCY:** U.S. Customs Service, Department of the Treasury.**ACTION:** Final rule.

SUMMARY: This document amends the Customs Regulations to provide that: (1) certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled substances.

These amendments are being made to eliminate the unnecessary and costly storage of large quantities of controlled substances.

EFFECTIVE DATE: (date of publication in the Federal Register). These amendments were previously published as interim regulations, effective on May 11, 1982.

FOR FURTHER INFORMATION CONTACT: Steven L. Basha, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-2482); or David Goldfarb, Assistant Regional Counsel, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131, (305-350-4321).

SUPPLEMENTARY INFORMATION:**BACKGROUND**

During the last few years, Customs has found it increasingly difficult to store and safeguard controlled substances that have been seized for violation of drug and/or customs laws. Accordingly, by T.D. 82-89, published in the Federal Register on May 14, 1982 (47 FR 20753), Customs issued interim regulations to provide that: (1) certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled substances. Prior to the interim regulations, section 162.45, Customs Regulations (19 CFR 162.45), required Customs to retain seized controlled substances for at least three weeks, during which time notice of their impending forfeiture was given. The three week retention necessitated the storage of the controlled substances in secure areas because of their illicit value and dangerous propensities. The problem of storage and security of seized drugs has become acute in Customs regions that have large scale drug smuggling activity. For example, the Miami, Florida, Customs Region (Southeast Region) seized over 3,400,000 pounds of marihuana in

fiscal year 1981. The cost to the Government in providing secure storage for such large quantities of drugs has become excessive. Additionally, the storage of large quantities of these items often interferes with the efficient operation of other Customs business.

The Controlled Substances Act (21 U.S.C. 801, *et seq.*) and the Controlled Substances Import and Export Act (21 U.S.C. 951, *et seq.*) deem illegally imported Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) to be contraband that is summarily forfeited to the United States (21 U.S.C. 881(f) and 965). The Supreme Court has held that contraband is not required to be returned to the person from whom it is seized. *Trupiano v. United States*, 334 U.S. 699, 710 (1948); *United States v. Jeffers*, 342 U.S. 48, 54 (1951).

Accordingly, because illegally imported Schedule I substances are summarily forfeited to the United States upon seizure, there is no purpose served in storing such substances, or notifying the public of Customs intention to dispose of such substances. The public notice provision of section 162.45 is included in the regulations for the benefit of those parties who might have a legitimate interest in seized property, and who might wish to file a claim for such property pursuant to section 162.47, Customs Regulations (19 CFR 162.47). The fact that seized Schedule I controlled substances are deemed contraband and are summarily forfeited to the Government precludes any claim under section 162.47.

COMMENTS

Although T.D. 82-89 specifically invited written comments on the interim regulations, none were received.

CHANGES TO INTERIM REGULATIONS

Customs has determined to adopt the interim regulations as permanent rules with the only substantive change being the addition of a sentence at the end of section 162.45a, Customs Regulations (19 CFR 162.45a). That sentence provides that when seized controlled substances are required as evidence in a court proceeding they shall be preserved to the extent and in the quantities necessary for that purpose.

INAPPLICABILITY OF DELAYED EFFECTIVE DATE PROVISIONS

T.D. 82-89 stated that, because of the acute storage problem associated with large quantity seizures of controlled substances, and because 21 U.S.C. 881(f) and 965 deem illegally imported Schedule I controlled substances to be contraband that is summarily forfeited to the United States, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary, and contrary to the public interest. T.D. 82-89 further stated that, pursuant to 5 U.S.C. 553(d)(3), good cause existed for dispensing with a delayed ef-

factive date. For the same reasons, and for the reason that the interim regulations have been in effect since May 11, 1982, good cause exists for dispensing with a delayed effective date for the final rule.

EXECUTIVE ORDER 12291

This amendment is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

REGULATORY FLEXIBILITY ANALYSIS

T.D. 82-89 contained a certification pursuant to the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these regulations will not have a significant economic impact on a substantial number of small entities. The same certification is applicable to this document. Accordingly, regulatory flexibility analyses are not required.

DRAFTING INFORMATION

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

LIST OF SUBJECTS IN 19 CFR PART 162

Administrative practice and procedure, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Imports, Customs duties and inspection.

AMENDMENTS TO THE REGULATIONS

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: March 3, 1983.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, March 18, 1983 (48 FR 11422)]

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The section heading and paragraph (b) of § 162.45, Customs Regulations (19 CFR 162.45(b)), are amended to read as follows:

**§ 162.45 Summary forfeiture where value not over \$10,000:
Property other than Schedule I controlled substances.
Notice of seizure and sale.**

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person other than Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) exceeds \$250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least three successive weeks.

(2) In all other cases, except for Schedule I controlled substances (see § 162.45a), the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least three successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

2. Part 162, Customs Regulations (19 CFR Part 162), is amended by adding a new § 162.45a, to read as follows:

§ 162.45a Summary forfeiture of Schedule I controlled substances.

The Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) provides that all controlled substances in Schedule I (as defined in 21 U.S.C. 802(6) and 812) that are possessed, transferred, sold, or offered for sale in violation of the Act shall be deemed contraband and seized and summarily forfeited to the United States (21 U.S.C. 881(f)). By reference the Controlled Substances Import and Export Act (21 U.S.C. 951) incorporates this contraband forfeiture provision. See 21 U.S.C. 965. Accordingly, in the case of a seizure of Schedule I controlled substances, the appropriate Regional Commissioner of Customs or his designee shall contact the appropriate Drug Enforcement Administration official responsible for issuing permits authorizing the importation of such substances (see 21 CFR 1312). If upon inquiry the Regional Commissioner or his designee is notified that no permit for lawful importation has been issued, he shall declare the seized substances contraband and forfeited pursuant to 21 U.S.C. 881(f). Inasmuch as such substances are Schedule I controlled substances, the notice procedures set forth in section 162.45 are inapplicable. When seized controlled substances are required as evidence in a court proceeding, they shall be preserved to the extent and in the quantities necessary for that purpose.

3. Section 162.63, Customs Regulations (19 CFR 162.63), is amended to read as follows:

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801), and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. However, Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) imported contrary to law shall be seized and forfeited in the manner provided in the Controlled Substances Act (21 U.S.C. 881(f)). See section 162.45a.

(Sec. 511(d), 1016, 84 Stat. 1276 as amended, 1291; 21 U.S.C. 881(d), 966)
(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

(T.D. 83-73)

Drawback Contract (Rate)

There follows an approved drawback contract (rate). Anyone who can comply with the conditions of the contract may adhere to it by notifying a Regional Commissioner of Customs in writing of the intention to do so and providing him with the following information:

1. Name and address of adherent;
2. Factories which will operate under the contract;
3. If a corporation, the names of officers or persons with power of attorney who will sign drawback documents on behalf of adherent.

This contract is designed to simplify drawback procedures for certain common manufacturing operations. It of course does not preclude or limit the use of individual contracts. This contract revokes and supersedes T.D. 80-267, effective the date stamped below, without prejudice to any existing claims. Any person currently operating under T.D. 80-267 will be automatically covered by this superseding contract (which includes all privileges of T.D. 80-267).

Dated: March 15, 1983.

File: 215691.

MARILYN G. MORRISON,
Director,
Carriers, Drawback and Bonds Division.

**DRAWBACK CONTRACT UNDER 19 U.S.C. 1313(b), FINISHING
PROCESSES FOR DESIGNATED PIECE GOODS**

Imported merchandise or drawback products to be designated as the basis for the allowance of drawback on the exported products.

Piece goods.

Duty-paid, duty-free, or domestic merchandise of the same kind and quality as that designated which will be used in the manufacture of the exported products.

Piece goods.

The piece goods which we propose to use in manufacture will be the same kind and quality as the piece goods which we will designate as the basis of claim for drawback, and are used interchangeably by us without change in manufacturing processes or resultant products, byproducts, or wastes.

We do ask that some tolerances between imported-designated piece goods and the used-exported piece goods be permitted to accommodate variations which are normally found in piece goods. These tolerances are no greater than the tolerances generally allowed in the industry for piece goods of the same kind and quality:

(1) We propose that there be allowed a 4-percent weight tolerance, and the piece goods which we propose to use in manufacture will be not more than 4-percent lighter or heavier than the imported piece goods which will be designated;

(2) We propose that there be allowed a tolerance of 4-percent in the aggregate thread count per square inch, and the piece goods we propose to use in manufacture will have an aggregate thread count within 4-percent, more or less of the aggregate thread count of the imported piece goods which will be designated.

In each case, the average yarn number of the domestic piece goods will be the same or greater than the average yarn number of the imported piece goods which we propose to designate, and in each case, the substitution and tolerance will be employed only within the same family of fabrics, i.e. print cloth for print cloth, gingham for gingham, greige for greige, dyed for dyed, bleached for bleached, etc.

The piece goods used in manufacture of the exported articles will be designated as containing the identical percentage of identical fibers as the piece goods designated as the basis for allowance of drawback; for example, piece goods containing 65 percent cotton and 35 percent dacron will be designated against the use of piece goods shown to contain 65 percent cotton and 35 percent dacron. The actual fiber composition may vary slightly from that described on the invoice or other acceptance of the fabric as having the composition described on documents in accordance with trade practices.

It is further understood and agreed that the substituted piece goods which we use in the manufacture of articles for exportation with drawback will be so similar in quality to the imported piece goods which we will designate for the basis of allowance of drawback, that the piece goods used, if imported, would have been subject to the same or greater amount of duty as was paid on the imported designated piece goods. We understand, however, that differences in value resulting from the factors other than quality, as for example, price fluctuations, will not preclude an allowance of drawback.

EXPORTED ARTICLES ON WHICH DRAWBACK WILL BE CLAIMED

Finished piece goods.

GENERAL STATEMENT

We process piece goods for our own account. We may process piece goods for the account of another producer or another producer may process piece goods for our account under contract within the principal and agency relationship outlined in T.D. 55027(2) and 55207(1).

PRODUCTION

Piece goods are subjected to any one of the following finishing productions:

1. Bleaching,
2. Mercerizing,
3. Dyeing,
4. Printing,
5. A combination of the above, or
6. Any additional finishing processes.

MULTIPLE PRODUCTS-RELATIVE VALUES

Not applicable.

WASTE

Rag waste may be incurred in our operations. Our records shall show the quantity of rag waste, if any, and its value. In instances where rag waste occurs and it is impractical to account for the actual quantity of rag waste incurred, it shall be assumed in liquidation that such rag waste constituted 2 percent of the piece goods put into the finishing processes.

SHRINKAGE, GAIN, AND SPOILAGE

Our records shall show the yardage lost by shrinkage or gained by stretching during manufacture, and the quantity of remnants resulting and of spoilage incurred, if any.

PROCEDURES AND RECORDS MAINTAINED

We will maintain records to establish:

1. The identity and specifications of the merchandise we designate;
2. The quantity of merchandise of the same kind and quality as the designated merchandise we used to produce the exported articles;
3. That, within 3 years after receiving it at our factory, we used the designated merchandise to produce articles. During the same 3-year period, we produced the exported articles.

We realize that to obtain drawback we must establish that the completed articles were exported within 5 years after the importation of the imported merchandise.

Our records establishing our compliance with these requirements will be available for audit by Customs during business hours. We understand that drawback is not payable without proof of compliance with title 19, United States Code, section 1313(b), and Part 191 of the Customs Regulations.

INVENTORY PROCEDURES

Our inventory procedures will show how we will satisfy the legal requirements discussed under the heading "Procedures and Records Maintained." We understand that if our records do not show that we satisfy those legal requirements, drawback cannot be paid.

BASIS OF CLAIM FOR DRAWBACK

Claims for drawback will be based on the quantity of piece goods used to produce the finished piece goods for export less the value of rag waste, the quantity of remnants, and spoilage, if any.

Proper allowance will be made for any shrinkage or stretching.

AGREEMENTS

The corporation specifically agrees that it will:

1. Comply fully with the terms of this statement when claiming drawback;
2. Open its factory and records for examination at all reasonable hours by authorized Government officers;
3. Keep its drawback related records and supporting data for at least 3 years from the date of payment of any drawback claim predicated in whole or in part upon this statement;
4. Keep this statement current by reporting promptly to the regional commissioner who liquidates its claims any changes in the number or locations of its officers or factories, the corporate name, or the corporate organization by succession or reincorporation;
5. Keep a copy of this statement on file for ready reference by employees and require all officials and employees concerned

to familiarize themselves with the provisions of this statement; and

6. Issue instructions to insure proper compliance with title 19, United States Code, section 1313(b), Part 191 of the Customs Regulations and this statement.

(T.D. 83-74)

Recent Statutory Change

Text of Sections 502 and 504 of the Fisheries Amendments of 1982, Public Law 97-389.

The Fisheries Amendments of 1982, approved December 29, 1982, contain two sections which amend section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 833), a coastwise trading statute which Customs enforces.

In order to provide wider dissemination of the statutory changes, sections 502 and 504 of Public Law 97-389 are reproduced below. Amendments to the Customs Regulations to reflect changes made by Public Law 97-389 are under consideration.

Dated: March 15, 1983.

MARILYN G. MORRISON.

PUBLIC LAW 97-389—DEC. 29, 1982

Public Law 97-389

97th Congress

An Act

To amend the Commercial Fisheries Research and Development Act of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fisheries Amendments of 1982".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 502. The Merchant Marine Act, 1920 (41 Stat. 988), as amended (46 U.S.C. 861 et seq.), is amended by adding at the end of section 27: "For the purposes of this section, after December 31, 1983, or after such time as an appropriate vessel has been constructed and documented a vessel of the United States, the transportation of hazardous waste, as defined in section 1004(5) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6903(5)), from a point in the United States for the purpose of the incineration at sea of that waste shall be deemed to be transportation by water of merchandise between points in the United States: *Provided, however,* That the provisions of this sentence shall not apply to this transportation when performed by a foreign-flag ocean incineration vessel, owned by or under construction on May 1, 1982,

for a corporation wholly owned by a citizen of the United States; the term 'citizen of the United States', as used in this proviso, means a corporation as defined in sections 2(a) and 2(b) of the Shipping Act, 1916 (46 U.S.C. 802 (a) and (b)). The incineration equipment on these vessels shall meet all current United States Coast Guard and Environmental Protection Agency standards. These vessels shall, in addition to any other inspections by the flag state, be inspected by the United States Coast Guard, including drydock inspections and internal examinations of tanks and void spaces, as would be required of a vessel of the United States. Satisfactory inspection shall be certified in writing by the Secretary of Transportation. Such inspections may occur concurrently with any inspections required by the flag state or subsequent to but no more than one year after the initial issuance or the next scheduled issuance of the Safety of Life at Sea Safety Construction Certificate. In making such inspections, the Coast Guard shall refer to the conditions established by the initial flag state certification as the basis for evaluating the current condition of the hull and superstructure. The Coast Guard shall allow the substitution of an equivalent fitting, material, appliance, apparatus, or equipment other than that required for vessels of the United States if the Coast Guard has been satisfied that fitting, material, appliance, apparatus, or equipment is at least as effective as that required for vessels of the United States."

SEC. 504. Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by inserting the following immediately before the period at the end thereof: "*Provided further*, That for the purposes of this section, supplies aboard United States documented fish processing vessels, which are necessary and used for the processing or assembling of fishery products aboard such vessels, shall be considered ship's equipment and not merchandise".

Approved December 29, 1982.

ERRATUM

In CUSTOMS BULLETIN, Volume 17, No. 5, dated February 2, 1983, pages 11 thru 17, line 5, Please substitute the phrase "TREASURY DECISION 82-189" for "TREASURY DECISION 83-19" in the following:

"TREASURY DECISION 83-25 thru 83-29"

U.S. Customs Service

General Notice

(19 CFR Part 134)

**Marking Requirements for Imported Semiconductor Devices,
Including Transistors, Diodes, and Integrated Circuits**

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Withdrawal of notice of proposed change of position.

SUMMARY: Under certain circumstances imported articles may be exempted from the requirement that they be marked to indicate the country of origin of the articles to ultimate purchasers. The Customs Service has reviewed a uniform and established position under which semiconductor devices, including transistors, diodes, and integrated circuits, imported from various foreign countries during the testing phase, are permitted to be commingled and then repackaged for sale to ultimate purchasers in the United States in containers marked to indicate that the devices were made in one or more of the countries listed on the containers.

This document withdraws a notice which proposed to require those devices to be marked individually with their country of origin. However, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

After analysis of the comments received in response to the proposal and further review of the matter, Customs has determined that the proposal should not be adopted.

EFFECTIVE DATE: (Date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Samuel Orandle, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), provides that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. That section also authorizes the Secretary of the Treasury to require specific methods of marking articles.

Part 134, Customs Regulations (19 CFR Part 134), sets forth the regulations implementing the country of origin marking requirements of 19 U.S.C. 1304(a), together with certain marking provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Section 134.42, Customs Regulations (19 CFR 134.42), provides that specific methods of marking merchandise with its country of origin may be required by the Commissioner of Customs in accordance with 19 U.S.C. 1304(a), and that notices of such rulings shall be published in the Federal Register and the Customs Bulletin.

Customs has previously ruled that if articles are large enough to be marked to indicate certain technical and commercial characteristics, they are large enough to be marked to indicate the country of origin. If the articles are not large enough to bear both markings, the requirement for country of origin marking must prevail.

Articles may be excepted from individual marking to indicate their country of origin pursuant to 19 U.S.C. 1304(a)(3)(D) and section 134.32(d), Customs Regulations (19 CFR 134.32(d)), if the marking of their containers will reasonably indicate the country of origin to ultimate purchasers in the United States.

Customs also has ruled that semiconductor devices may be excepted from individual marking in appropriate cases under the provisions of section 134.34, Customs Regulations (19 CFR 134.34), if the devices are imported in bulk, and repackaged in containers in the United States that are marked to indicate the country of origin to an ultimate purchaser. In some cases, these devices are imported in bulk for the purpose of further testing in the United States, and appropriate symbolization marking depending on the results of the test. The devices are then repackaged in marked containers for resale to ultimate purchasers. Accordingly, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the Customs officers at the port of entry were satisfied that the devices would reach the ultimate purchasers in the marked containers, the devices could be excepted from individual marking to indicate the country of origin, notwithstanding they are marked with technical and commercial characteristics. The ultimate purchaser of the devices within the meaning of 19 U.S.C. 1304(a), may be a manufacturer who uses the devices

in the manufacture of new and different articles such as television sets, radios, or other electronic equipment, or a hobbyist, experimenter, or repairman, who purchases the devices in their original imported condition for use in his hobby or profession.

The previous Customs ruling, permitting the country of origin marking to appear on the containers in which the devices are repackaged in the United States, was conditioned on a requirement that the correct country of origin of each of the transistors must appear on the package. Experience demonstrated that this was a difficult requirement for Customs to enforce, since it was frequently common for manufacturers to commingle many devices of the same type from different countries during the testing and symbolization marking process. To comply with this ruling, manufacturers were required to attempt to keep transistors made in different countries segregated during this process so that they could be packaged in properly marked containers, or to identify the particular country of origin of the various devices by a color code or other means so that they could be placed in properly marked packages.

By T.D. 51100(4), dated July 18, 1944, Customs ruled that when the country of origin of an imported article is not known, but it is known that it was produced in one of several countries, the article (or its container) shall be marked to show all the countries in which it may have originated but that the exact country of origin is unknown.

By T.D. 75-187, published in the Federal Register on July 29, 1975 (40 FR 31816), Customs further ruled that when semiconductor devices made in a number of different foreign countries are commingled for a bona fide reason, and subsequently repackaged for sale to the ultimate purchaser, the marking requirements of 19 U.S.C. 1304 will be met if the containers are legibly and conspicuously marked to indicate that the devices were made in one or more of the countries listed on the container. This ruling applied only where all of the commingled devices were made in foreign countries. It did not apply if foreign devices were commingled with domestically-manufactured devices.

This ruling, permitting a multiple listing of countries of origin, applied equally to devices that are repackaged in large containers for sale to ultimate purchasers who are manufacturers, or in smaller packages containing one or several items for sale at the retail level to hobbyists, experimenters, and similar purchasers.

In order for the repackaging procedure to be acceptable, it was necessary for the importing company to make satisfactory arrangements with the district director of Customs at the port of entry to ensure that the importing company repackaged the devices in containers marked to indicate the country or countries of origin of the devices, or that the devices would be sold by the importer to a company known and designated to Customs at the time of importation and that company would repackage them in marked retail contain-

ers under a procedure approved by the district director at the port of entry. In the event the original containers were opened and several devices removed in order to ship fewer than the total number in that container, it was not acceptable for the importer to merely instruct his distributors to inform their customers of the foreign origin of the semiconductors at the time of sale.

After review of the repackaging procedure, Customs published a notice in the Federal Register on April 5, 1982 (47 FR 14493), proposing to require that semiconductor devices, including transistors, diodes, and integrated circuits, be individually marked with their country of origin. However, if the devices were imported in containers that were marked in a conspicuous place in a legible, indelible, and permanent fashion so as to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

Interested parties were given until June 4, 1982, to submit written comments concerning the proposal. The time period for submission of comments was extended until July 6, 1982, by a notice published in the Federal Register on June 4, 1982 (47 FR 24344). As discussed below, a majority of the comments received opposed the proposal.

DISCUSSION OF COMMENTS

Comments were received from twenty-five business firms or associations. A number of commenters assert that the proposed marking requirement for individual semiconductor devices is difficult, and in some cases impossible, unnecessary, impractical, and inefficient due to the extensive costs involved. They contend that the size, use or configuration of several semiconductor devices renders marking immensely difficult and, in the case of devices such as "chips" and "micro packages", physically impossible. They note that as device size decreases, the technology required to mark the product becomes more complex, hence increasing marking costs for very inexpensive smaller devices to the point of becoming economically prohibitive of their importation.

These commenters further suggest that for Customs to declare that country of origin marking must supersede commercial marking on articles not large enough to bear both is impractical and unrealistic in a business sense, and impairs a company's efficiency by causing undue hardship and increasing paperwork. They maintain that contractual quality obligations would not be met unless each article is marked with its technical specifications, which are used by consumers to inventory these products, and that the devices would be unsaleable and almost worthless without markings to indicate these technical characteristics. They claim that when the article is so small that technical markings must necessarily be ap-

plied with small letters or numbers in an abbreviated form, there cannot be a reasonable presumption that the article is also capable of being marked in a legible and conspicuous manner to indicate the country of origin. These commenters also note that some transistors would be physically or functionally destroyed by country of origin markings because certain devices such as light emitting diodes of optical switches are made of a substance which is not amenable to marking.

Other commenters contend that Customs current position as set forth in T.D. 51100 (4) and T.D. 75-187 on marking containers of commingled electronic devices which are repackaged in the United States to indicate countries of origin is a practical and satisfactory solution to the problem and should not be changed. They maintain that a continuation of this marking procedure will prevent these operations from being performed by offshore facilities to the detriment of domestic economic interests. They claim that 19 U.S.C. 1304(a) and Part 134, Customs Regulations, sufficiently protect the ultimate purchaser with regard to awareness of the country of origin as distributors are often required by contract to mark country of origin on containers of repackaged components. These commenters further contend that no customers will be adversely misled as to country of origin because a country of origin certificate is provided to customers upon request, so that they can claim drawback of the original duties paid when they export their products containing the imported semiconductors.

These commenters also assert that more than 99% of the imports are substantially transformed in the United States by assembly and that of the remaining 1% which are sold to distributors, 90% of these resales are made to original equipment manufacturers in the original containers. Therefore, they note that the volume of semiconductors which could reach a hobbyist or other purchaser at retail after repackaging would be minimal. Thus, they conclude that the proposed change would impose a burden disproportionate to the potential risk to anyone who may purchase the devices at the retail level and increase costs which would be passed on at each step of the distribution chain to the ultimate consumer.

Some other commenters suggest that semiconductor devices should be included on the full list of articles exempted from marking requirements under 19 U.S.C. 1304(a)(3)(J) as set forth in section 134.33, Customs Regulations (19 CFR 134.33), referred to as the "J-list". They maintain that had semiconductors been in existence when the statute was enacted, these devices would have been included on that list since they are similar to many items on it, such as nails, screws, buttons, beads, and rivets, all of which are small, inexpensive, manufactured and sold by the billions and used to manufacture other articles.

Other commenters' observations include: use of abbreviations should be permitted to identify country of origin on small semicon-

ductor devices; the language "conspicuously marked" should be defined to include affixation of the country of origin on the exterior surface of the semiconductor's base; Customs should require a public hearing or undertake a detailed study before revising current practices; and, if the change of position is adopted, it should be effective not less than six months after the date of publication in the *Federal Register*, or some other phase-in period should be established.

Others believe that since other countries do not require such marking, the proposed rule could become a non-tariff trade barrier and a barrier to the standardization of trade agreements and instead, creativity is necessary to solve repackaging problems.

Although these comments are not entirely on point, Customs believes that certain concerns are valid and that some of the problems which could arise as a result of adoption of the proposal are real. Other observations are speculative or do not provide Customs with sufficient information to address the issues presented. Some have no basis in law, and others are contrary to the purpose of the country of origin marking requirements.

Because of its decision in this matter, Customs does not believe it is necessary to address each of these comments.

ACTION

WITHDRAWAL OF PROPOSAL

In view of the foregoing, Customs has determined that the proposed change should not be adopted. Accordingly, the notice published in the *Federal Register* on April 5, 1982 (47 FR 14493), proposing to require semiconductor devices, including transistors, diodes, and integrated circuits, to be individually marked with their country of origin, is withdrawn.

DRAFTING INFORMATION

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: March 3, 1983.

JOHN M. WALKER, JR.,
Assistant Secretary of the Treasury.

[Published in the *Federal Register*, March 18, 1983 (48 FR 11457)]

United States Court of International Trade

One Federal Plaza

New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Frederick Landis

James L. Watson
Bernard Newman
Nils A. Boe

Senior Judges

Samuel M. Rosenstein

Herbert N. Maletz

Clerk

Joseph E. Lombardi

Decisions of the United States Court of International Trade

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, March 10, 1983.

The following abstracts of decisions of the United States Court of International Trade at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to Customs officials in easily locating cases and tracing important facts.

WILLIAM VON RAAB,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED Item No. and Rate	HELD Item No. and Rate	BASIS	PORT OF ENTRY AND MERCHANDISE
P83/59	Watson, J. March 3, 1983	All Channel Products	81-10-01441	Item 685.90 8.1% (merchandise marked "A") Item 685.18 5% (merchandise marked "B")	Item 685.19 4.9% (merchandise marked "A" and "B")	All Channel Products Corp. v. U.S. Slip Op. 81-3 (CIT 1/ 16/81) (merchandise marked "A") Agreed statement of facts (merchandise marked "B")	New York Parts of television apparatus (merchandise marked "A"); model No. 895 and part Nos. 231, 245, 439, 546 (mer- chandise marked "B")
P83/60	Watson, J. March 3, 1983	Camp Ways, Inc.	81-9-01173	Item 389.62 25¢ per lb. + 15%	Item 735.20 10%	Standard Surplus Sales, Inc. v. U.S. Slip Op. 81-5 (CIT 1/13/81) U.S. v. Standard Surplus Sales, Inc., No. 81-13 (CCPA 12/17/81)	Los Angeles Net mesh back bands
P83/61	Watson, J. March 3, 1983	Camp Ways, Inc.	81-11-01525	Item 389.62 25¢ per lb. + 15%	Item 735.20 10%	Standard Surplus Sales, Inc. v. U.S. Slip Op. 81-5 (CIT 1/13/81) U.S. v. Standard Surplus Sales, Inc., No. 81-13 (CCPA 12/17/81)	Los Angeles Net mesh back bands
P83/62	Watson, J. March 3, 1983	Standard Sales, Inc.	80-9-01479	Item 389.62 or 389.60 15%	Item 735.20 10%	Standard Surplus Sales, Inc. v. U.S. Slip Op. 81-5 (CIT 1/13/81) U.S. v. Standard Surplus Sales, Inc. No. 81-13 (CCPA 12/17/81)	Los Angeles Shoulder straps and nylon web straps
P83/63	Watson, J. March 3, 1983	Valley Distributing Com- pany	81-9-01277	Item 386.50 14%	Item 735.20 10%	Standard Surplus Sales, Inc. v. U.S. Slip Op. 81-5 (CIT 1/13/81) U.S. v. Standard Surplus Sales, Inc., No. 81-13 (CCPA 12/17/81)	Los Angeles Cotton web straps

P33/64	Malitz, S.J. March 3, 1983	Warshawsky and Company	81-8-01022	<p>Item 648.97, 685.70, 711.98, 711.84, 692.27, 648.85, 660.97, 646.42, 646.65 11%, 7%, 5%, 4% Merchandise was eligible for duty-free treatment under Title V of TA of 1974, but no original Certificates of Origin, Form A, were furnished with entries</p>	<p>Under assessed TSUS provisions free of duty pursuant to GSP, valid copy of appropriate Certificates of Origin, Form A, is acceptable for purposes of establishing country of origin when an importer is unable to present original Form A due to factors beyond his control</p> <p>Item 676.20 5%, or 4.8% (merchandise marked "A") Item 678.50 5%, 4.8%, 4.7% or 4.5% (merchandise marked "B") Item 685.70 4% (merchandise marked "C") Item 688.40 or 688.45 5.5% or 5.3% (merchandise marked "D") Item 706.24 20%</p>	<p>Agreed statement of facts</p>	<p>Chicago Auto parts; products of beneficiary developing country</p>
P33/65	Ford, J. March 7, 1983	A & A International Inc.	81-5-00573, etc.	<p>Merchandise separately classified as watch or clock movements under items 716.14, 720.14, 720.16, etc. and assessed at various rates</p>	<p>Item 676.20 5%, or 4.8% (merchandise marked "A") Item 678.50 5%, 4.8%, 4.7% or 4.5% (merchandise marked "B") Item 685.70 4% (merchandise marked "C") Item 688.40 or 688.45 5.5% or 5.3% (merchandise marked "D") Item 706.24 20%</p>	<p>Texas Instruments, Inc. v. U.S., Slip Op. 81-31 (CTT 4/17/81), aff'd 3/25/82</p>	<p>Los Angeles Solid state timing devices; entirety with article in which incorporated</p>
P33/66	Ford, J. March 7, 1983	Ohio Bag Corp.	50-5-00768, etc.	<p>Item 389.63 25¢ per lb. + 15%</p>	<p>Item 706.24 20%</p>	<p>J.E. Maniye & Sons v. U.S. (C.D. 4878)</p>	<p>New York Bags or handbags</p>

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Item No. and Rate	Item No. and Rate	Item No. and Rate	Item No. and Rate		
P83/67	Watson, J. March 7, 1983	Standard Sales, Inc.	81-9-01255	Item 389.62 25¢ per lb. + 15%	Item 735.20 10%			Standard Surplus Sales, Inc. v. U.S., Slip Op. 81-5 (CIT 1/13/81) U.S. v. Standard Surplus Sales, Inc., No. 81-13 (CCPA 12/17/81) T.D. 81-214 of 8/17/81	Los Angeles Shoulder pads, nylon straps and back bands
P83/68	Newman, J. March 7, 1983 (amends decision and judgment of 1/13/83 [Abs. P83/14] so as to require payment of all lawful interest due and owing plaintiff upon reliquidation by customs official)	Gant Corp.	81-6-00791	Item 380.00 35%	Item 380.27 21%				New York Men's long sleeve woven dress shirts cotton
P83/69	Maletz, S.J. March 7, 1983	Ozen Sound Devices	81-7-00930	Item 737.95 16.2% or 17.5%	Item 685.32 5.5%			Agreed statement of facts	New York Talking mechanisms
P83/70	Newman, J. March 8, 1983	Alaron, Inc.	80-10-01727	Item 685.24 10.4%	Item 685.25 6%			Audiovox Corp. v. U.S., Slip Op. 81-11 (CIT 1/27/81)	San Francisco CB converters
P83/71	Newman, J. March 8, 1983	Audiovox Corporation	81-10-01435	Item 685.21 or 685.24 10.4%	Item 685.25 6%			Audiovox Corp. v. U.S., Slip Op. 81-11 (CIT 1/27/81)	New York; Los Angeles Converters
P83/72	Newman, J. March 8, 1983	New York Merchandise Co., Inc.	81-7-00638	Item 683.80 13.75%	Item 688.40 5.5%			New York Merchandise Co. v. U.S., Slip Op. 81-24 (CIT 8/ 12/81)	Los Angeles Battery operated plastic twin rose glow lines

P83/73	Newman, J. March 8, 1983	Philipp Overseas, Inc.	80-7-01037, etc.	Item 609.86 8.5% + additional duties on alloy content	Item 609.83 0.1% per lb. + 2% + addi- tional duties on alloy content	Philipp Overseas, Inc. v. U.S. (C.D. 4859, aff'd, C.A.D. 1385)	Philadelphia Hot rolled, annealed and pick- led stainless steel angles
P83/74	Newman, J. March 8, 1983	Texas Instruments Incor- porated	81-3-00311	Item 722.34 10%	Item A722.34 Free of duty pursuant to GSP	Texas Instruments Inc. v. U.S., No. 81-31 (CCTA 6/3/82)	Honolulu Electronic parts of photo- graphic cameras (cvs mod- ules)

Decisions of the United States Court of International Trade

Abstracts *Abstracted Reappraisement Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R83/278	Re, C.J. March 4, 1983	Brown Boveri Corp.	75-9-02257	Export value	Appraised values shown on entry papers less addi- tions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York; New Orleans Not stated
R83/279	Re, C.J. March 4, 1983	Mitsui & Co. (USA), Inc.	73-9-02575	Export value	Appraised values shown on entry papers less addi- tions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Los Angeles; Cleveland; New York Not stated
R83/280	Re, C.J. March 4, 1983	Mitsui & Co. (USA), Inc.	76-11-02474	Export value	Appraised values shown on entry papers less addi- tions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Portland, Oreg. Not stated

R83/281	Watson, J. March 4, 1983	Louis Goldrey Co., Inc.	R84/21299, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	Savannah Tiles
R83/282	Re, C.J. March 7, 1983	M. Hidiary & Co. Inc	76-8-01795, etc.	Export value	Appraised values shown on entry papers less addi- tions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
R83/283	Watson, J. March 7, 1983	C. Itoh & Co. (American) Inc.	R60/5886, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	New York Tablecloth and napkins
R83/284	Boe, J. March 7, 1983	Washington International Insurance Company	81-7-00935	American selling price	\$5.20 per pair, less 2%, net, packed (entry Nos. 204837, 204839, 204890, 204892, 204691, 204695, 204694, 204693) \$4.90 per pair, less 2%, net, packed (entry Nos. 204696, 204691, 204695, 204694) \$4.95 per pair, less 2%, net, packed (entry No. 204710)	Order on plaintiff's motion for partial judgment on the pleadings; on defend- ant's cross-motion for partial judgment on the pleadings or, in the alter- native, for partial sum- mary judgment	Los Angeles Men's vinyl shoes specified on listed entries; entry Nos. 220709, 220710, 216275, 216277, 252151, 252153 severed and dis- missed from action

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R83/285	Maletz, S.J. March 7, 1983	Dana Perfumes Corp. et al.	R70/5660, etc.	Cost of production (item Nos. 8225, 8226, 8227, 8228, 8284, on invoices) Constructed value (item Nos. 8702, 8714, U8711, on invoices)	Amounts for material, labor, fabrication costs and general expenses incurred for export to U.S. as included in invoice prices, plus profit percentage of 84.66%, plus export packing (item Nos. 8225, etc.) Amounts for material and labor costs incurred for export to U.S. as included in invoice prices, plus usual general expenses and profit percentage of 59.55%, plus export packing (item Nos. 8702, etc.)	Agreed statement of facts	New York Cologne, Cologne, After Shave, etc. Cane
R83/286	Maletz, S.J. March 7, 1983	Dana Perfumes Corporation	79-9-01428, etc.	Cost of production	Amounts for material, labor, fabrication costs and general expenses incurred for export to U.S. as included in invoice prices, plus profit percentage of 17.2715%, plus export packing	Agreed statement of facts	New York Cane Cologne, etc.
R83/287	Maletz, S.J. March 7, 1983	LYF International, Inc.	82-5-00644	Export value (style No. 7693) American selling price (style No. 7023)	Invoice unit price net packed (style No. 7693) \$12.90 per pair less 2% net packed (style No. 7023)	Agreed statement of facts	Los Angeles Footwear (style Nos. 7693 and 7023)
R83/288	Maletz, S.J. March 7, 1983	Wirth Limited	79-10-01563	Export value	Base trigger prices, plus extras in effect on date of exportation or if new prices are announced for following quarter, at announced base trigger prices plus extras	Agreed statement of facts	Portland, Oreg. Carbon steel plate and sheet

International Trade Commission Notices

Investigations by the U.S. International Trade Commission

DEPARTMENT OF THE TREASURY, March 16, 1983

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs officers and others concerned.

WILLIAM VON RAAB,
Commissioner of Customs.

In the Matter of
CERTAIN PERSONAL COMPUTERS
AND COMPONENTS THEREOF

} Investigation No. 337-TA-140

Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: March 7, 1983.

DONALD K. DUVALL,
Chief Administrative Law Judge.

In the Matter of
CERTAIN AUTOMOTIVE VISORS

} Investigation No. 337-TA-117

Notice of Termination of Investigation and Issuance of Consent Orders

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation and issuance of consent orders.

SUMMARY: On September 2, 1982, complainant Prince Corporation (Prince), respondent Gebr. Happich GmbH (Happich), and the

Commission investigative attorney filed a joint motion (Motion No. 117-15) to terminate Happich as a respondent in the above-captioned investigation. The motion was based on a consent order agreement entered into by Prince and Happich. On September 20, 1982, Prince, Happich, and the Commission investigative attorney filed an amendment to the original agreement (Motion No. 117-17). On September 30, 1982, the presiding officer recommended that the Commission accept the proposed agreement and order, as amended, and certified Motion No. 117-17 to the Commission (Order No. 15). A *Federal Register* notice was published on November 24, 1982, seeking comments from interested members of the public and other Government agencies. 47 F.R. 53145. Comments were received and considered. On March 4, 1983, the Commission issued the consent orders, as amended, and terminated the investigation as to Happich.

On September 20, 1982, complainant Prince, respondent Voplex Corporation (Voplex), and the Commission investigative attorney jointly moved to terminate this investigation as to Voplex on the basis of a consent order agreement. On September 30, 1982, the presiding officer recommended that the Commission accept the proposed order and agreement, and certified the motion (Motion No. 117-16) to the Commission. A *Federal Register* notice was published on November 24, 1982, seeking comments on the proposed termination from interested members of the public and other Government agencies. 47 F.R. 53147. No comments were received. On February 16, 1983, the Commission granted the joint motion, adopting the consent order and terminating the investigation as to respondent Voplex.

SUPPLEMENTARY INFORMATION: As Voplex and Happich were the only remaining respondents in investigation No. 337-TA-117, the termination of these two respondents terminated the investigation.

The Commission was conducting investigation No. 337-TA-117 to determine whether there was a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation and sale of certain automotive visors, which were alleged to infringe certain claims of U.S. Letters Patent Nos. 3,926,470 and 4,227,241, owned by complainant Prince. The alleged effect or tendency of these unfair acts was to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Copies of the Commission Action and Orders, the consent orders, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1627.

By order of the Commission.

Issued: March 4, 1983.

KENNETH R. MASON,
Secretary.

In the Matter of
CERTAIN DRILL POINT SCREWS
FOR DRYWALL CONSTRUCTION

} Investigation No. 337-TA-116

Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation upon a finding of no violation of section 337 of the Tariff Act of 1930.

SUPPLEMENTARY INFORMATION: On the basis of a complaint filed on January 20, 1982, the Commission on March 3, 1982, published in the *Federal Register* (47 FR 9113) a notice of institution of an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). The purpose of the investigation was to determine whether there were unfair methods of competition and unfair acts in the unauthorized importation and sale of certain drill point screws for drywall construction alleged to infringe certain claims of U.S. Letters Patent 3,463,045 owned by complainant Illinois Tool Works, Inc.

On February 17, 1983, the Commission unanimously determined that there was no violation of section 337 in investigation No. 337-TA-116 in the importation or sale of the drill point screws in question.

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 F Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0079.

By order of the Commission.

Issued: March 3, 1983.

KENNETH R. MASON,
Secretary.

In the Matter of
CERTAIN PERSONAL COMPUTERS
AND COMPONENTS THEREOF

} Investigation No. 337-TA-140

Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 31, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), on behalf of Apple Computer, Inc., 20525 Mariani Avenue, Cupertino, Calif. 95014. The complaint alleges unfair methods of competition and unfair acts in the importation of certain personal computers and components thereof into the United States, or in their sale, by reason of alleged (a) infringement of claims 1 through 8 of U.S. Letters Patent 4,136,359 and claims 1 through 11 of U.S. Letters Patent 4,278,972; (b) infringement of U.S. Copyright Reg. Nos. TX 873-203 and TX 886-569; and (c) misappropriation of trade dress. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complaint requests that, during the pendency of the investigation, the Commission issue a temporary exclusion order, prohibiting importation of the articles into the United States except under bond and, after a full investigation, issue a permanent exclusion order.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure (19 CFR § 210.12).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 28, 1983, Ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain personal computers and components thereof into the United States, or in their sale, by reason of (a) infringement of the claims of U.S. Letters Patent 4,136,359; (b) infringement of the claims of U.S. Letters Patent 4,278,972; (c) direct or contributory infringement of U.S. Copyright Reg. No. TX 873-203 and U.S. Copyright Reg. No. TX 886-569; and (d) misappropriation of trade dress, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Apple Computer Inc.
20525 Mariani Avenue
Cupertino, Calif. 95014

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Golden Formosa Microcomputer Co., Ltd.
a/k/a Guan Haur Industrial Co.
Basement 371
Jiin Jou Street
Taipei, Taiwan

Sunrise Computer Service Co., Ltd
12th Fl.
No. 339, Sec. 4
Hsing I Road
Taipei, Taiwan

Jardine Strauss International, Ltd.
Room 1103
England Building
311 Chung Hsiao East Road
Sec. 4
Taipei, Taiwan

Fantastic Merchandise Inc.
10-5 10th Fl.
#263 Hsin-Yi Road
Sec. 4
Taipei, Taiwan

A-Tek Enterprises Co., Ltd.
3rd Floor
170 Chang AE Road
Taipei, Taiwan

Leader Trading Co.
Rm L-55
Peninsula Center
Midj Road East
Tsim Sha Tsu East
Kowloon, Hong Kong

Fuji Trading Co.
Rm. 24
Cosmopolitan Center
10/F
760 Nathan Road
Kowloon, Hong Kong

Reliant Engineering Co.
P.O. Box 33610
Sheung Wan Post Office

Hong Kong

STC Limited

10C Washington Mansion 28

Jen-Al Road

Sec. 3

Taipei, Taiwan

Yen Enterprises

4/F Kolin Super Plaza

54-1, Sec. 6

Taipei, Taiwan

Business Computer Alliance System Co., Ltd.

10th Fl.

#30 King-Yuan Road

Taipei, Taiwan

Microtonics

Singapore

Taiwan Machine Trading Co.

5250 Belfield Avenue

Philadelphia, Pa. 19144

North American Research Corp.

5545 Lee Highway

Arlington, Va.

J.E. Computer Co., Ltd.

Room 8011

Taipei Square Building

No. 2, 41, Sec. 1

Chung Hsiao W. Road

Taipei (100), Taiwan

Apollo Computer Co., Ltd.

5th Fl.

No. 96, Sec. 2

Chung Itsiao E. Road

Taipei, Taiwan

Oriental Investments Ltd.

Hardstrasse 81, 8040

P.O. Box 460

Zurich, Switzerland

Collins International Trading Corp.

16311 Ventura Blvd.

Suite 500

Encino, Calif. 91436

Formula International, Inc.

12603 Crenshaw Blvd.

Hawthorne, Calif. 90250

Powtek Electronics Co., Ltd.

No. 17, Sec. 1, Keelung Road

(c) Patricia Ray, Esq. Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 122, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to section 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR § 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-1088.

By order of the Commission.

Issued: March 2, 1983.

KENNETH R. MASON,
Secretary.

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